

AMENDED IN SENATE MAY 4, 2006

**SENATE BILL**

**No. 1765**

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**Introduced by Senator Escutia**

February 24, 2006

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An act to ~~amend Section 10742 of the Welfare and Institutions Code, relating to health care services~~ *add Section 354.9 to the Code of Civil Procedure, relating to victims of wrongful or coerced repatriation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1765, as amended, Escutia. ~~Health care services.~~ *Victims of wrongful or coerced repatriation.*

*Existing law authorizes various persons to bring civil actions for damages under specified circumstances.*

*This bill would authorize a victim of unconstitutional, wrongful, or coerced repatriation, defined as any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from this state during the period from 1929 to 1944, or his or her heir or beneficiary, to bring a legal action to recover damages in any court of competent jurisdiction in this state.*

*The bill would apply these provisions if (a) the victim was coerced, forced, or falsely induced to emigrate by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity, as specified, and (b) the victim, or his or her heir or beneficiary, resides in this state and has a claim arising out of the victim's unconstitutional, wrongful, or coerced repatriation.*

*The bill would also provide that any action brought pursuant to this provision may not be dismissed for failure to comply with the*

*applicable statute of limitations or to exhaust any applicable administrative remedies or governmental tort claims procedures, if the action is commenced on or before December 31, 2016.*

~~Existing law requires the State Department of Health Services to advise public officers regarding the administration of health care services and medical assistance by public agencies.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 354.9 is added to the Code of Civil*  
2     *Procedure, to read:*

3     354.9. (a) *The following definitions govern the construction*  
4     *of this section:*

5     (1) *“Victim of unconstitutional, wrongful, or coerced*  
6     *repatriation” means any United States citizen or legal resident of*  
7     *Mexican descent who was coerced, forced, or falsely induced to*  
8     *emigrate from California during the period from 1929 to 1944,*  
9     *inclusive, by any city, county, or state governmental authority, or*  
10    *anyone acting under color of that authority, including, but not*  
11    *limited to, any private individual or business entity that*  
12    *conspired with any city, county, or state governmental authority,*  
13    *or anyone acting under color of that authority, to violate the*  
14    *state constitutional or property rights of that person.*

15    (2) *“Damages” means any and all damages for any harm,*  
16    *loss, or detriment sustained by any victim of unconstitutional,*  
17    *wrongful, or coerced repatriation by reason of the coerced,*  
18    *forced, or falsely induced emigration from California by any city,*  
19    *county, or state governmental authority, or anyone acting under*  
20    *color of that authority, including, but not limited to, any private*  
21    *individual or business entity that conspired with any city, county,*  
22    *or state governmental authority, or anyone acting under color of*  
23    *that authority, to violate the state constitutional or property*  
24    *rights of any victim of unconstitutional, wrongful, or coerced*  
25    *repatriation.*

26    (b) *Notwithstanding any other provision of law, any victim of*  
27    *unconstitutional, wrongful, or coerced repatriation, or the heir*

1 *or beneficiary of a victim of unconstitutional, wrongful, or*  
2 *coerced repatriation, who resides in this state and has a claim*  
3 *arising out of the victim's coerced, forced, or falsely induced*  
4 *emigration from California by any city, county, or state*  
5 *governmental authority, or anyone acting under color of that*  
6 *authority, including, but not limited to, any private individual or*  
7 *business entity that conspired with any city, county, or state*  
8 *governmental authority, or anyone acting under color of that*  
9 *authority, to violate the California constitutional or property*  
10 *rights of any victim of unconstitutional, wrongful, or coerced*  
11 *repatriation, may bring a legal action to recover any damages in*  
12 *any court of competent jurisdiction in this state, which court*  
13 *shall be deemed the proper forum for that action until its*  
14 *completion or resolution.*

15 *(c) No action brought under this section may be dismissed for*  
16 *failure to (1) comply with the applicable statute of limitations, or*  
17 *(2) exhaust any applicable administrative remedies or*  
18 *governmental tort claim procedures otherwise provided by any*  
19 *statute, if the action is commenced in any California court of*  
20 *competent jurisdiction on or before December 31, 2016.*

21 *SEC. 2. The provisions of this act are severable. If any*  
22 *provision of this act or its application is held invalid, that*  
23 *invalidity shall not affect other provisions or applications that*  
24 *can be given effect without the invalid provision or application.*

25 ~~SECTION 1. It is the intent of the Legislature to enact~~  
26 ~~legislation that would ensure that Californians have adequate~~  
27 ~~access to appropriate health care services.~~

28 ~~SEC. 2. Section 10742 of the Welfare and Institutions Code is~~  
29 ~~amended to read:~~

30 ~~10742. The department shall advise public officers regarding~~  
31 ~~the administration of health care services and medical assistance~~  
32 ~~by public agencies throughout the state, and shall supervise the~~  
33 ~~administration of these services and assistance to all persons~~  
34 ~~receiving or eligible to receive these services and assistance.~~